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March 2, 2015

VIA – EMAIL and
FIRST CLASS MAIL

Annette M. Rodríguez
P.O. Box 963
Chimayo, NM 87522
annette_rodriguez@brown.edu

RE: Response Regarding Your Recent Correspondence

Dear Ms. Rodriguez:

I have reviewed some of your most recent correspondence and again find it necessary to correct multiple errors and misrepresentations.

As an initial matter, I am dismayed that you continue to suggest that you have not been given inspection opportunities. On the contrary, multiple dates have been presented to you, many of which you have not used. Furthermore, when you have reported for inspection times, we have multiple reports of you squandering your assigned time by wandering the halls or conversing with friends --- thus wasting the College's time and resources. Nevertheless, Ms. Cordova sent you more dates last week and will continue to schedule dates for you in accordance with staff's availability. That being said, if the College finds that you are not showing up for appointed times or that you are wasting College time/resources, inspection times will no longer be provided and you may be required to pay for produced pages to be sent to you in lieu of inspection opportunities.

In addition, you continue to complain that you are not receiving materials that you have requested. The College has tendered thousands of pieces of paper and used innumerable hours of employee time to chase every request you have made. Furthermore, the College has provided you clear examples of the lack of clarity in your requests and why your poorly worded and vague IPRA demands render many searches impossible. While the College is doing its best to respond, you have not attempted to clarify your requests, despite the College asking you to do so. To the degree that there has been a need for extensions, you remain responsible for failing to clarify the scope of the requests or even attempting to fix them.

Annette M. Rodriguez

March 2, 2015

Page 2

Also, please be on notice that the College will not permit your continuing harassment of employees or material disruption of the College's day-to-day operations. We have multiple reports of you conducting phone conversations (loudly) in the inspection areas or within earshot of employee offices. You are directed to take your phone calls either outside or in the lobby area of the College. Employees neither need nor want to hear your calls. Furthermore, we have multiple complaints of you loudly insulting employees during your phone calls. Please be advised that if such comments are overheard, you will be asked to leave the premises immediately and to reschedule for another time. If such problems continue, the College will consider barring your presence in the main building, moving your inspection opportunities off-site, or ending the inspections altogether.

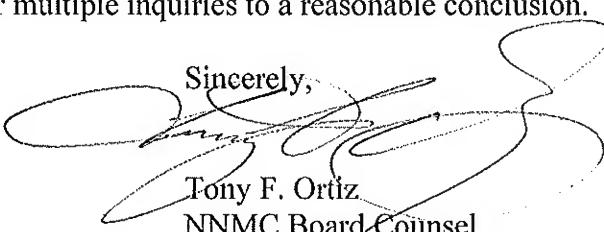
Along these same lines, I am advising you specifically that the College and the employees assigned to assist you do not consent to your recording of any conversations, in person or over the phone. If you are reasonably suspected of recording, you will be asked to leave the premises and to reschedule another inspection time. If the problem persists, the College will discontinue your inspection opportunities, copy your requested documents, require advance payment for them, and mail them to you. The College also will consider its legal options if you are found to be surreptitiously recording.

As an additional form of harassment, you continue to copy the Regents with unwanted correspondence after being directed not to do so. Since you are ignoring that request, I will seek further direction from the Board, which may include everything from blocking emails from your address to any other legal options available. Clearly, the easiest option would be for you to respond professionally and abide by the request.

Finally, I understand that you recently made yet another IPRA request, this time for copies of a surveillance video. While such videos generally are considered public record, recordings with images of students in them are excepted from public access under the Family Educational Rights and Privacy Act (FERPA) and its applicable case law. For that reason, please consider this notice that the College will not be providing the requested video to you. (The College's Custodian of Records, Ms. Brandi Cordova, who is responsible for responding to such requests, has authorized me to answer your request on her behalf in the context of this letter.)

Ms. Rodriguez, it is not my intention to become your pen pal, and I certainly am not inviting yet another repetitive and incorrect letter from you. Instead, it is my sincere hope that you will comply with these directives, conduct yourself professionally, avoid harassing staff/Regents, and make a concerted efforts to bring your multiple inquiries to a reasonable conclusion.

Sincerely,


Tony F. Ortiz
NNMC Board Counsel